



Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

**Matter Of:** Mehler Publishing Company--Reconsideration

**File No.:** B-258565.2; B-258649.2

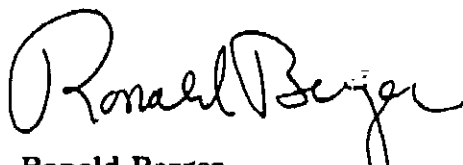
**Date:** December 20, 1994

### DECISION

Mehler Publishing Company requests reconsideration of our decision dismissing its protests against the National Institutes of Health. We dismissed the protests because Mehler identified the subject matter of its protests as the award of and specifications for the award of grants. We do not review grant awards under our bid protest jurisdiction; rather we review the award or proposed award of procurement contracts. Mehler states that we erred in our conclusion that grants and not procurement contracts were involved here.

These protests involve, respectively, the Small Business Innovation Research (SBIR) program and the Small Business Technology Transfer (STTR) program. Under both programs, executive agencies award "funding agreements" to small businesses for certain research efforts. These funding agreements may be in the form of contracts, grants, or cooperative agreements. 15 U.S.C. § 638(e)(3) (1988). In its protests Mehler repeatedly indicated that its concern was with grant awards, continually using such phrases as "grant evaluation" and "grant application." No mention was made of the award of a procurement contract. Thus, while Mehler is correct in now stating that procurement contracts may be awarded under these research programs, that does not change the fact that grants may also be awarded and that Mehler identified only grant awards as the subject of its protests. Therefore, we had no reason to view the protests as involving procurement contracts.

Accordingly, dismissal of the protests was proper; that dismissal is affirmed.

  
Ronald Berger  
Associate General Counsel